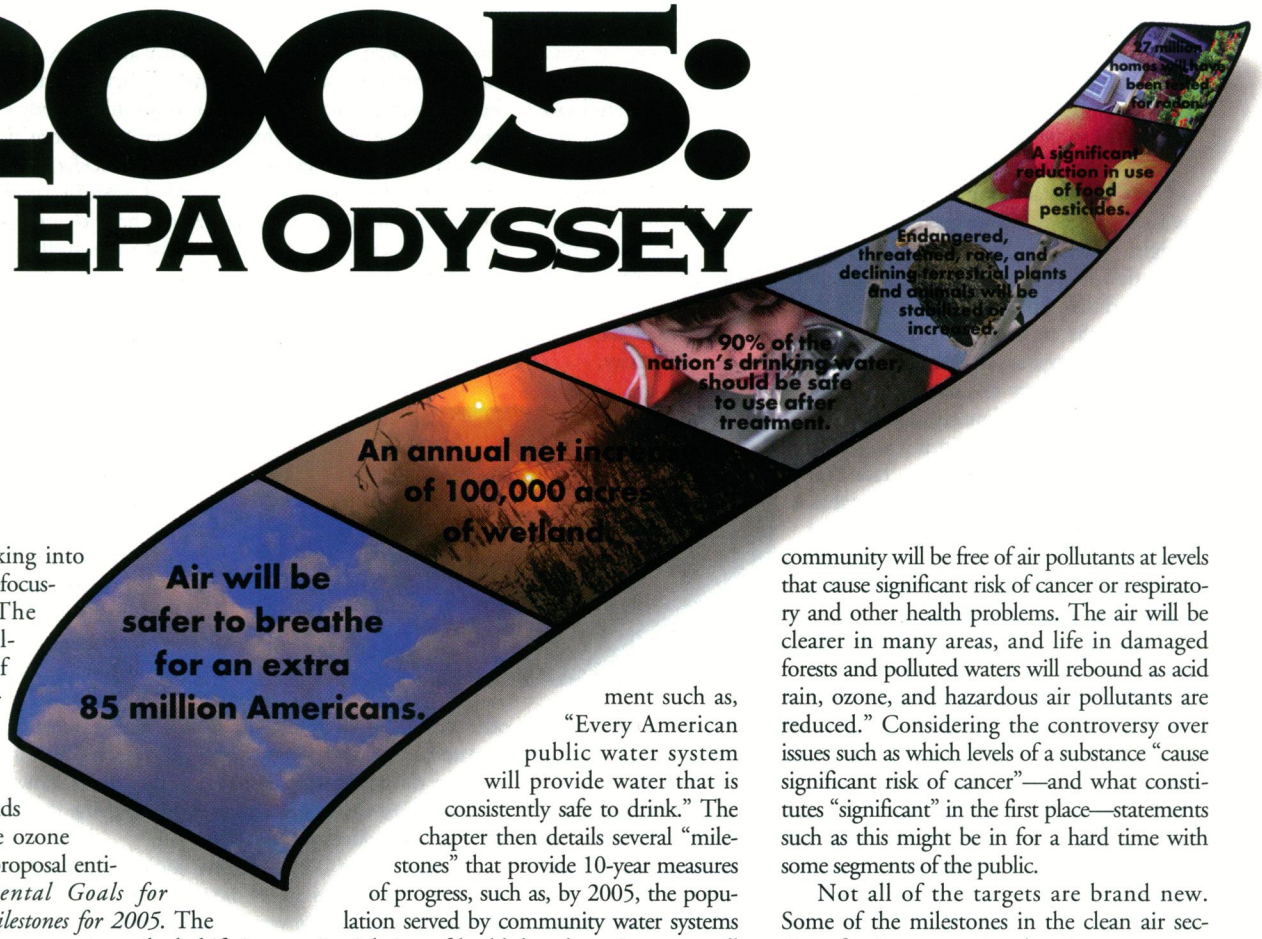
2005: AN EPA ODYSSEY



The EPA is looking into the future and refocusing its vision. The agency has developed a set of ambitious, long-range goals covering every area it regulates, from preserving wetlands to protecting the ozone layer, in a draft proposal entitled *Environmental Goals for America with Milestones for 2005*. The draft proposal represents a marked shift in direction for the agency toward setting targets for tangible outcomes and away from issuing prescriptions for specific methods of operation.

For instance, rather than mandating that automobile manufacturers apply a particular piece of pollution control equipment to all cars, the proposal calls for a 65% reduction in air emissions of volatile organic compounds from automobiles by 2005. The former approach of prescribing the technology that industry must use has long been vilified by the business community as "command and control." Industry complains that such narrow prescriptions limit the flexibility and creativity for devising new solutions to environmental problems.

With *Environmental Goals*, the EPA is announcing its flexibility in how society can meet the agreed-upon targets. Industry has a chance to put its money where its mouth is and come to the table with the innovations it says it can provide given a longer regulatory leash and fewer detailed requirements on how to run its operations.

Form and Content

Environmental Goals is arranged according to environmental areas of concern. Each chapter begins with a sweeping long-term goal statement such as, "Every American public water system will provide water that is consistently safe to drink." The chapter then details several "milestones" that provide 10-year measures of progress, such as, by 2005, the population served by community water systems in violation of health-based requirements will be reduced from 19% to 5%. Each milestone carries a brief description of past trends, the 2005 target, and how the agency intends to track progress toward the milestone. Each goal chapter ends by sketching out a strategy of how to meet the overall goal and the milestones.

Some of the goal chapters carry titles that indicate broad, sweeping environmental concerns such as clean air, clean water, healthy terrestrial ecosystems, toxic-free communities, and reduction of global and regional environmental risks. Others are more tightly focused, such as preventing accidental releases, restorating contaminated sites, and providing safe drinking water. Still others fall somewhere in the middle: safe waste management; safe homes, schools, and workplaces; and safe food. In a category by itself is the final chapter on empowering people with information and education and expanding their right to know. None of the milestones requires a new program, but all assume continued agency funding at current levels.

The EPA calls the goals and milestones "ambitious but realistic." Some of the goal statements are broad but concise, such as "All Americans will live, learn, and work in safe and healthy environments." Others are more detailed, such as, "Every American city and community will be free of air pollutants at levels that cause significant risk of cancer or respiratory and other health problems. The air will be clearer in many areas, and life in damaged forests and polluted waters will rebound as acid rain, ozone, and hazardous air pollutants are reduced." Considering the controversy over issues such as which levels of a substance "cause significant risk of cancer"—and what constitutes "significant" in the first place—statements such as this might be in for a hard time with some segments of the public.

Not all of the targets are brand new. Some of the milestones in the clean air section, for instance, simply reiterate targets mandated by the 1990 Clean Air Act Amendments. Milestones elsewhere in the draft restate requirements from other statutes or already established regulations. The agency does break some new ground in the draft. The chapter on healthy terrestrial ecosystems is a case in point. Milestones here include, "By 2005, the loss of ecosystem types considered critically endangered, endangered, or threatened will be eliminated." Peter Truitt, manager of the EPA's National Environmental Goals Project, says, "You can't imagine the difficulty of setting goals for the improvement of ecosystems on the nation's land. It was a very courageous effort."

More new ground is covered in the chapter on safe homes, schools, and workplaces. "Measuring improvement in indoor air is a very tough thing to do, and we came up with very sensible measures," Truitt says. Those measures include halving the number of children with high levels of lead in their blood; doubling the use of "safe agricultural biopesticides"; and tripling "the number of existing industrial high-production–volume chemicals shown to be used safely in the workplace."

A Long Path

Environmental Goals has its origins in the Bush administration when William Reilly was

administrator of the EPA. Reilly was fond of saying that although he knew the agency was doing its job and making improvements, he couldn't prove it. With the focus on specific required actions to be taken by regulated entities, the connection between those actions and actual environmental results was at best unclear. The draft proposal is intended to clarify that connection and to shift the focus of accountability from whether the agency is carrying out its bureaucratic functions to whether it is actually achieving environmental improvements.

In between setting the goals and determining success in meeting them comes planning, strategizing, and budgeting. According to the EPA, those activities will be driven by the environmental goals contained in a future final draft. They will be conducted by a newly–created, as-yet unnamed office within the EPA. The office will be headed by a new assistant administrator and will oversee planning, budgeting, and accountability across the agency. It will also play a key role in helping the EPA to plan ways to meet each of the milestones once the draft proposal is finalized. And it will help the EPA to provide annual reports to the public on progress toward the goals.

Environmental Goals has gone through at least seven drafts since its beginning in 1991. After the change in administration in 1992, the project sat idle until Administrator Carol Browner expanded it to include public participation. Work began in earnest in 1993 in a bottom-up process drawing on the expertise of EPA staff-level contributors. "Nothing in this proposal was developed by the senior agency leadership," says Truitt. "They did not see it until the last few months. They contributed their ideas after the staff got their best shot in."

In 1993, the EPA prepared a list of topic areas from which to develop the goals. Then the EPA took them on the road to nine public roundtables across the country. In February 1995, the EPA circulated a 16-page list of 13 proposed goals. Browner had wanted to produce a document the public could easily understand. But the proposal drew demands for greater detail on how to achieve the goals, information on their costs and benefits, and more long-term visionary language.

The current draft proposal incorporates those recommendations, and it is "the first draft to have the administrator's blessing," Truitt says. The current draft has recently completed review for comments by several federal agencies. After their comments are incorporated into the draft, it will be distributed to the states, tribes, and the federal agencies again for a more detailed eight-week review, to end in September. Comments from that review will be incorporated, and the final product will be released to the public during the winter. Public release of the proposal is meant to be a starting point for discussion of national goals. Toward that end, the EPA plans to reconvene the roundtables around the country that contributed to the creation of the proposal three years ago.

Coming Onboard

Most federal agencies are reluctant to speak on the record about another agency's draft proposal. But according to the EPA, comment so far has been that the goals are indeed ambitious, and the agency has been commended for such a massive undertaking. Beyond that, there have been such technical suggestions as alternative data sources for tracking progress toward the goals.

A more substantive issue is the inclusion of a previous U.S. commitment to reduce greenhouse gas emissions to 1990 levels by 2000. The commitment is part of the federal Climate Change Action Plan developed to meet the international Framework Convention on Climate Change, which was set in motion in March 1994. The United States has since publicly backed away from that commitment, and the White House may see to it that that change is reflected in the next draft of *Environmental Goals.*

Other conflicts are found when the draft proposal is compared to the Department of Health and Human Services' (DHHS) *Healthy People 2000* report—the nation's health promotion and disease prevention objectives created during the Carter administration. Because the EPA monitors environmental conditions, for example, cities that have dirty air, and DHHS agencies monitor health—the people who are breathing dirty air, data tracking can become difficult. And while DHHS sees human health as being a small part of the EPA report, it is the sole focus of *Healthy People 2000*; thus some of its health-related goals are more specific than the EPA report, although one DHHS official admits that in certain areas such as setting blood lead levels for children, "EPA's project is more ambitious than ours." The agencies are working together to resolve the inconsistencies to avoid sending mixed signals to the public.

Once the proposal is released to the public, different interested groups are sure to weigh in with their own priorities. Some environmental issues that are considered major by many are nowhere to be found in the current draft. Endocrine disruptor chemicals, for instance, linked by some scientists to breast cancer and a host of other reproductive system ills, are not mentioned anywhere in the current draft as a class unto themselves.

Some industries have criticized the *Environmental Goals* project for failing to prioritize among environmental concerns at all. Referring to the previous draft, a chemical industry spokesperson says, "You can't have a goal for everything. That's not the kind of document that focuses the resources of the agency or the country. To make this sustainable, you've got to set priorities." Still, the project is in keeping with industry's stated preference for performance-based standards with flexibility in how they are met.

Industry representatives also say the *Environmental Goals* project has given insufficient weight to the actual risks posed by various environmental threats. The National Food Processors Association (NFPA), for instance, zeros in on pesticide targets: "By 2005, pesticide residues in food will be further reduced to ensure that, even in the theoretical worst case, no child or adult is exposed to an unacceptable risk from legally applied pesticides." To Rick Jarman, NFPA director of technical regulatory affairs, "This seems to be a signal of their dislike for the concept of manageable risk. A lot of these targets represent a zero-risk approach, as opposed to reasonable certainty of no harm, which is the way they say they want to go."

Also sure to evoke controversy is the EPA's extension beyond its area of legal authority into such concerns as atmospheric levels of ozone-depleting chemicals, the health of coral reefs, and worldwide use of lead in gasoline. Truitt explains, "There is no environmental problem for which the EPA doesn't share responsibility with states or other federal agencies. We decided not to limit ourselves to areas over which the EPA has even primary control. We covered not just our sphere of control but our sphere of influence. The EPA does have some influence over all of these, even reducing lead in gasoline in other countries."

Some of the targets rely on projections that seem wildly optimistic. In the toxic-free communities chapter, the strategy section discusses increasing availability of "environmentally preferable products" with this prediction: "Over the next 10 years, the EPA expects that virtually every product and service will be redesigned by American businesses." And the clean air section aims to slow the growth in miles driven in the United States, a very ambitious goal.

The EPA emphasizes that this is a proposal to be further developed with input from the public. "We recognize it is technically difficult and that there are a lot of economic ramifications," Truitt says. "But it's a crucial first step toward flexibility. If we can establish measures of clean results, then we would hope the states and industry would feel unleashed to find cheaper and smarter ways to achieve them."

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